

REMARKS

Claims 1-39 are pending in the Application. Claims 1-8, 10-23 and 25-39 were rejected, and claims 9 and 24 were objected to, in the Office action mailed October 24, 2006. Claims 1, 17 and 32 are independent claims. Claims 2-16, 18-31 and 33-39 depend, respectively, from independent claims 1, 17 and 32. The Applicants respectfully request reconsideration of pending claims 1-39, in light of the following remarks.

Claim Objections

Claims 9 and 24 were objected to as being dependent upon a rejected base claim. Applicants believe that base claims 1 and 17 are allowable, for at least the reasons set forth below. Applicants respectfully submit that by overcoming the rejection of claims 1 and 17, the objections to claims 9 and 24 have been overcome. Therefore, Applicants respectfully request that the objections to claims 9 and 24 be withdrawn.

Rejections of Claims

Rejections Under 35 U.S.C. §103(a)

Claims 1-7, 10-22 and 25-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 2004/0031029 by Lee et al. (hereinafter "Lee"), in view of Lee, Cheng-Yin et al. (hereinafter "Lee CY"). The Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the Examiner has failed to establish a case of prima facie obviousness for at least the reasons provided below. M.P.E.P. §2142 clearly states that "[t]he examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness." The M.P.E.P. §2142 goes on to state that "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."

With regard to claims 1, 17 and 32, Applicants respectfully submit that the proposed combination of references, fail to teach, suggest or disclose, at least, "...a plurality of update agents resident in the electronic device, wherein the update agent employed is selected to correspond to a type of update information received by the electronic device from the at least one of the plurality of servers...", as recited in Applicants' claim 1; "...selecting at least one of a plurality of update agents resident in the electronic device... wherein each of the plurality of update agents is arranged to process a corresponding type of update information received...", as recited in Applicants' claim 17; and "...code comprising a plurality of update agents selectable to cause processing of a corresponding type of received update information ... wherein an update agent is selected to perform an update based upon the type of the received update information...", as recited in Applicants' claim 32.

With respect to claim 1, the Office action cites paragraphs [0009] and [0032] and, based upon these identified portions of Lee, alleges that Lee teaches "...all aspects of claim 1, but he does not mention 'update agent is selected to correspond to a type of update information', specifically...". (Office action, page 3, lines 2-23) With regard to claim 17, the Office action alleges that "...Lee and LeeCY's disclosures definitely employs [sic] a 'method' which does all the features in [sic] recited in claim 17. See claim 1 rejection." (Office action, page 8, lines 14-17) With regard to claim 32, the Office action alleges that "...[b]oth Lee and LeeCY's disclosures teach the features of claim 32, see claims 1, 2 and 3 rejections." (Office action, page 11, lines 10-12) The Applicants respectfully disagree.

The Lee reference states, at paragraph [0009],

"The invention relates, in one embodiment, to a computer-implemented method for updating a plurality of software components disposed on a plurality of networked devices, the plurality of networked devices being interconnected if a computer network. The method includes ascertaining from a database first update parameters associated with a first networked device of the plurality of networked devices. The method also includes sending via the network the first update parameters to a first local update agent disposed at the first networked device. The method further includes obtaining, using the first local update agent and the first

update parameters, a first update file for updating software in the first networked device. Additionally, the method includes updating, using the first local update agent and the first update file, the software in the first networked device.”

The Lee reference states, at paragraph [0032],

“These and other features and advantages of the invention may be better understood with reference to the drawings and discussions that follow. To facilitate discussion, FIG. 1 shows a simplified prior art network 102, which includes an administrative console 104. Administrative console 104 is coupled via the network to a plurality of networked devices such as servers 106, 108, and 110. In the example of FIG. 1, servers 106, 108, and 110 represent servers running, for example, the Windows, Netware, and Linux operating systems respectively to illustrate that different networked devices may employ different software components therein. Administrative console 104 is also shown Coupled to desktop computers 112 and 114, as well as to a lap top computer 116 and a printer 118. In reality, a computer network may be coupled to any number and type of networked device in any topology (e.g., mesh, ring, star, and the like) to enable appropriate networked devices to communicate with one another.”

Applicants respectfully submit that the Office action has failed to specifically identify the teaching of Lee that corresponds to the “plurality of update agents resident in the electronic device” recited in Applicants claim 1. Applicants assume that the Office action alleges correspondence of Applicants’ “plurality of update agents resident in the electronic device” to the “local update agent” of Lee. If this is in error, the Applicants respectfully request that the Examiner identify the corresponding teachings of Lee in a subsequent Office action.

Applicants respectfully submit that the text of paragraphs [0009] and [0032] of Lee, specifically identified in the Office action, fail to teach or suggest “...a plurality of update agents resident in the electronic device...”, as recited in Applicants’ claims 1 and 17; and “...code resident in and executable by the electronic device, the code comprising a plurality of update agents...”, as

recited in claim 32. The Applicants respectfully submit that the Office action fails to show where Lee teaches anything about a plurality of update agents resident in an electronic device.

According to Lee, at paragraph [0010]:

“The invention relates, in another embodiment, to an arrangement for updating a plurality of software components disposed on a plurality of networked devices, the plurality of networked devices being interconnected in a computer network. The arrangement includes a database for storing update parameters associated with the plurality of networked devices. The update parameters includes at least a name for a first one of the plurality of software components and a version number associated with the name for the first one of the plurality of software components. The arrangement further includes a plurality of local update agents, each of the plurality of local update agents being disposed at one of the plurality of networked devices. There is also included a software update engine configured to send individual sets of the update parameters to individual ones of the plurality of local update agents at the plurality of network devices, wherein a first one of the plurality of local update agents disposed at a first one of the plurality of networked devices is configured to obtain, upon receiving a first one of the individual sets of the update parameters, a first update file using the first one of the individual sets of update parameters. The first update file represents a file containing data for updating a first one of the plurality of software components disposed at the first one of the plurality of networked devices.

Although the above portion of Lee teaches a “plurality of networked devices” and a “plurality of software components disposed on a plurality of networked devices”, neither this nor any other portion of Lee teaches or suggests that any networked device has more than one “local update agent”. In addition, the drawings in the Lee reference, including FIG. 6 and related text that teach a “local update agent 336”, fail to teach or suggest anything regarding the existence of more than one update agent in a networked device.

The Applicants respectfully submit that Lee fails to say anything about selecting from a plurality of update agents. The Office action recognizes at least this shortcoming of Lee by stating that Lee "...does not mention 'update agent is selected to correspond to a type of update information' specifically...". (Office action, page 3, lines 21-23)

In an effort to overcome this deficiency of Lee, the Office action makes the conclusory statement that "...Lee CY teaches it in an analogous prior art...", alleging both that Lee CY is analogous prior art, and that Lee CY teaches the feature "...update agent is selected to correspond to a type of update information", recited in Applicants' claim 1. Applicants respectfully disagree.

The Applicants respectfully submit that the Office action fails to set forth any line of reasoning why one of ordinary skill in the art would have expected to solve the problem of updating software and firmware in an electronic device by considering a reference dealing with maintaining communication access to a mobile node by intercepting a location update message at a router.

The Applicants respectfully submit that Lee CY is not analogous prior art to the subject matter of Applicants' claims 1, 17 and 32. Applicants' independent claims 1, 17 and 32 recite "...wherein the selected update agent processes the received update information to modify a first version of one of software and firmware in the electronic device to a second version ...", as in Applicants' claim 1; "...a plurality of update agents resident in the electronic device to modify a first version of one of software and firmware in the electronic device to produce an updated version...", as in Applicants' claim 17; and "...a plurality of update agents selectable to cause processing of a corresponding type of received update information, to update a related code portion of the first version of code to an updated version...", as in Applicants claim 32. Each of claims 1, 17 and 32 recite a plurality of update agents that update code, or software and firmware. The Lee CY reference, however, makes no mention of updating code, or software and firmware, but is instead concerned with "...efficiently permitting communication with a mobile node across various domains...", and Lee CY states that "...communication access to a mobile node is maintained by intercepting, at a router, a location update message. The term 'intercept' as used herein means to read a message addressed to another entity." (col. 1, lines 10-14) Applicants respectfully submit that the problem to be solved is different, and that the "agents" of Lee CY and of Applicants' claims are functionally different.

As Applicants pointed out above, the Office action alleges that Lee CY teaches "...update agent is selected to correspond to a type of update information", a deficiency of the Lee reference admitted by the Examiner. In support of this allegation, the Office action cites the abstract of the Lee Cy reference as a relevant teaching, at page 3, lines 25-35:

"Location update messages for a mobile node can be made interceptible by routers which form tunnels for communication with the mobile node. A correspondent agent intercepts a Binding Update with a Router Alert and binds the address of the mobile node with a care of address for the mobile node provided in the Binding Update. The correspondent agent will thereafter intercept messages from its correspondent host destined for the mobile node and redirect them to the care of address thereby bypassing the home agent of the mobile node. A border router intercepts a Registration Request with Router Alert and binds the address of the mobile node with a care of address for the mobile node. If a binding existed previously, then the border router terminates the Request. Otherwise, the Request is forwarded to the home agent of the mobile node after substituting its own address for the care of address."

(cited portion underlined)

The Office action also alleges, at page 3, line 35 to page 4, line 5, that Fig. 2 and column 4, lines 4-11 of the Lee CY reference contain relevant teachings:

"Referring now to FIG. 2, embodiments of the invention shall be described for optimizing the use of tunneling for communication with a mobile node. Tunnels may be formed that avoid the home agent for more directly communicating with the mobile node 10. A Binding Update is a known MIP location update message sent from the home agent 30 informing a correspondent host 50 of the care of address for the mobile node 10. In accordance with an embodiment of the invention, the home agent 30 is programmed so as to issue a Binding Update along with a Router Alert. The Router Alert is a known field on a location update message which alerts suitably programmed routers to review the message rather than forwarding it routinely to its

next destination. The Router Alert Option is described in Network Working Group RFC 2113 authored by D. Katz, entitled "IP Router Alert Option," dated February 1997 and hereby incorporated by reference herein in its entirety. The Router Alert allows an IP packet to be inspected by routers for further processing if necessary. By programming a correspondent agent 60 to recognize a Binding Update when a Router Alert is included, the correspondent agent 60 will intercept the Binding Update with Router Alert and take steps to form a tunnel to the mobile node. The correspondent agent 60 terminates the Binding Update and does not forward it to the correspondent host 50 to which it was addressed. To form a tunnel, the correspondent agent binds the mobile node address with the care of address received in the location update message. With the tunnel in place, messages from the correspondent host 50 meant for the mobile node 10 are identified by the correspondent agent 60 and redirected by the correspondent agent 60 to the care of address. Thus, the message travels through the tunnel rather than the home agent 30. The correspondent host 50 and its correspondent agent 60 work together in this fashion and therefore are referred to collectively herein as a "correspondent node." A "correspondent node" may alternatively refer to a correspondent host 50 apart from any correspondent agent."

(cited portion underlined)

Applicants respectfully submit that the above portions of the Lee CY reference, specifically identified by the Office action, fail to teach "...a plurality of update agents resident in the electronic device, wherein the update agent employed is selected to correspond to a type of update information received by the electronic device from the at least one of the plurality of servers...", as recited in Applicants' claim 1; "...selecting at least one of a plurality of update agents resident in the electronic device... wherein each of the plurality of update agents is arranged to process a corresponding type of update information received...", as recited in Applicants' claim 17; and "...code comprising a plurality of update agents selectable to cause processing of a corresponding type of received update information ... wherein an update agent is selected to perform an update based upon the type of the received update information...", as recited in

Applicants' claim 32. Instead, the cited portions of Lee CY teach a "correspondent agent" that recognizes a Binding Update message, intercepts the Binding Update message, and forms a tunnel to a mobile node.

The Applicants respectfully submit that the only updating described in Lee CY is the use of location update messages in updating the whereabouts of a mobile node in a network, which is different from and fails to teach anything with respect to "...a plurality of update agents resident in the electronic device, wherein the update agent employed is selected to correspond to a type of update information received by the electronic device from the at least one of the plurality of servers...", as recited in Applicants' claim 1; "...selecting at least one of a plurality of update agents resident in the electronic device... wherein each of the plurality of update agents is arranged to process a corresponding type of update information received...", as recited in Applicants' claim 17; and "...code comprising a plurality of update agents selectable to cause processing of a corresponding type of received update information ... wherein an update agent is selected to perform an update based upon the type of the received update information...", as recited in Applicants' claim 32.

The Applicants respectfully submit that the Lee CY reference fails to teach anything with regard to updating of software and firmware in an electronic device, fails to teach anything with respect to a plurality of update agents in an electronic device, and fails to teach anything with respect to selection of an update agent based on a type of update information.

Based at least upon the above, the Applicants respectfully submit that the Lee and Lee CY references, taken alone or in combination, fail to teach or suggest all of the limitation of Applicants claims 1, 17 and 32, that the Office action has, therefore, failed to establish a *prima facie* case of obviousness as required by M.P.E.P. §2141, and that a rejection of claims 1, 17 and 32 under 35 U.S.C. §103(a) cannot be maintained.

Applicants believe, therefore, that claims 1, 17 and 32 are allowable over the proposed combination of Lee and Lee CY, for at least the reasons set forth above. Applicants respectfully submit that claims 1, 17 and 32 are independent claims, and that claims 2-16, 18-31 and 32-39 are dependent claims depending from allowable independent claims 1, 17 and 32, respectively.

Because claims 1, 17 and 32 are allowable over the proposed combination of Lee and Lee CY, Applicants respectfully submit that dependent claims 2-16, 18-31 and 32-39 are also allowable, for at least the reasons set forth above. Applicants respectfully request, therefore, that the rejection of claim 1-7, 10-22 and 25-39 under 35 U.S.C. 103(a), be withdrawn.

Claims 8 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee, in view of Lee CY, and further in view of Kikinis (US 5,708,775). The Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 8 and 23 depend from independent claims 1 and 17, respectively. Applicants believe that claims 1 and 17 are allowable over the proposed combination of references, in that Kikinis fails to overcome the deficiencies of Lee and Lee CY, set forth above. Because claims 1 and 17 are allowable over the proposed combination of references, Applicants respectfully submit that dependent claims 8 and 23 are also allowable, as well. Therefore, Applicants respectfully request that the rejection of claims 8 and 23 under 35 U.S.C. 103(a), be withdrawn.

Conclusion

In general, the Office Action makes various statements regarding claims 1-39 and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

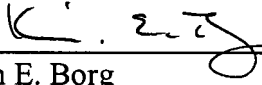
The Applicants believe that all of pending claims 1-39 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000 to resolve any issues.

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A Notice of Allowability is courteously solicited.

Respectfully submitted,

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